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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,512	06/28/2001	Tatsuo Nomura	1114-165	4932

7590 12/02/2004

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EXAMINER

LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,512	NOMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Le H Luu	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/28/01 - 9/20/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/28/01 - 9/20/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1-19 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-12, 15-19 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Wadsworth et al. (Wadsworth) patent no. 5,657,448.

4. As to claim 1, Wadsworth teaches the invention as claimed, including a program supplying method for supplying a program from a server through a network to a user terminal including a terminal main body and optional units combined therewith, comprising the steps of:

transmitting operating environment information indicative of an operating environment of the user terminal which is changed according to a combination of the optional units, from the user terminal through the network to the server before the program is supplied (col. 34 line 15 - col. 35 line 30); and

determining whether the program is operable in the operating environment based on the operating environment information and transmitting a result of determination from the server through the network to the user terminal (col. 38 line 10 - col. 40 line 42).

5. As to claims 2-4 and 8, Wadsworth further teaches displaying the result of the determination as to whether the program is operable in the user terminal; transmitting an order for the program from the user terminal through the network to the server when the program is determined operable; installing the program supplied from the server through the network to the user terminal, thereby extending functions of the user terminal (col. 38 line 10 - col. 39 line 20).

6. As to claims 7, Wadsworth further teaches when the program is determined as being inoperable, recording the result of determination as information on the user terminal, at the server (col. 33 lines 40-57).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-6 and 13-14 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Wadsworth et al. (Wadsworth) patent no. 5,657,448, in view of Rose patent no. 5,708,709.

Art Unit: 2141

9. As to claims 5-6, Wadsworth teaches the invention substantially as claimed as discussed above; however, Wadsworth does not explicitly teach generating a program list indicative of programs which can be supplied by the server; nor transmitting the program list from the server through the network to the user terminal.

Rose teaches user can select and download one or more programs of interests from a list of programs on a menu provided by a server (figure 2; col. 3 line 61 - col. 4 line 17).

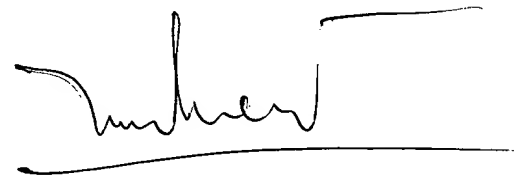
It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Wadsworth and Rose to generating a program list indicative of programs operable in the operating environment of the user terminal based on the operating environment information; transmitting the program list from the server through the network to the user terminal; and selecting a program from the program list because it would maintain control over programs provided by the server.

10. Claims 9-19 have similar limitations as claims 1-8; therefore, they are rejected under the same rationale.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER

November 29, 2004